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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
(HONORABLE LONNY R. SUKO)

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

KEVIN ELLISON, )

Defendant. )

CR-12-072-LRS

MOTION TO MODIFY CONDITIONS  
OF PRETRIAL RELEASE

Hearing without Oral Argument  
February 3, 2014 at 6:30 p.m.

TO: MICHAEL C. ORMSBY, UNITED STATES ATTORNEY  
AINE AHMED, ASSISTANT UNITED STATES ATTORNEY

Counsel for KEVIN ELLISON, Amy H. Rubin for the Federal  
Defenders of Eastern Washington and Idaho, respectfully moves the  
Court modify Mr. Ellison's conditions of pretrial release. Specifically,  
Mr. Ellison requests the Court permit him to change his residency,  
travel outside the district where he will reside and submit to urinalysis  
testing at the discretion of the United States Probation Office.

**CASE BACKGROUND**

On June 14, 2012, Mr. Ellison appeared on a Complaint before  
Magistrate Judge Imbrogno. On June 19, 2012, the grand jury returned

1 a one-count Indictment charging Mr. Ellison with Malicious Use of Fire  
2 to Damage Property Used in Interstate Commerce in violation of 18  
3 U.S.C. § 844(I). The government moved for Mr. Ellison's detention and  
4 the motion was granted.

5 On August 10, 2012, this Court granted Mr. Ellison's uncontested  
6 Motion for Transfer. Mr. Ellison was transported from Spokane County  
7 Jail to Eastern State Hospital as a prison of the United States Marshals  
8 Service. Mr. Ellison was in custody at Eastern State Hospital until  
9 November 9, 2012 when he was transported back to Spokane County Jail  
10 awaiting the hearing scheduled for November 15, 2012.

11 On November 9, 2012, the parties filed a Joint Motion to Continue  
12 the trial in this matter. The parties appeared before the Court on  
13 November 15, 2012 to address the Motion to Continue. The Court  
14 granted the parties joint motion and continued this matter until  
15 November 2015. Mr. Ellison was released on conditions of pretrial  
16 release. [ECF Doc. 66].

### 17 **REQUEST FOR MODIFICATION**

18 Mr. Ellison seeks to change his residence and be permitted to  
19 travel outside the district where he will reside. He further requests that  
20 he submit to urinalysis testing at the discretion of the United States  
21 Probation Office with accommodations for his travel due to employment.

22 The Order entered on November 15, 2012 specifically states:

23 (1) Defendant shall reside with his parents during the first year  
24

1 of pretrial release. Upon completion of the first year of  
2 pretrial release, Mr. Ellison would have the opportunity to  
3 revisit the issue upon motion to this Court filed and noted for  
4 hearing prior to any change of residency occurring. Pending  
5 Court approval the Defendant shall at all times continue to  
6 reside with his parents.

7 (8) Defendant shall submit to urinalysis testing, as directed by  
8 the supervising officer, but no more than six tests per month,  
9 in order to confirm abstinence from these substances.

10 (13) Defendant shall not leave the Central District of California  
11 without prior approval from his probation officer.

12 On November 15, 2012, Kevin Ellison was released and placed on  
13 conditions of pretrial release. He has been residing in California with his  
14 parents since his release and has been supervised by a probation officer  
15 in California.

16 In the last week, Kevin received a call from Western Kentucky  
17 University offering him a graduate assistant position at Western  
18 Kentucky University. As a graduate assistant, Kevin will be a paid  
19 coach working with the linebacker or safety position group.

20 In addition to coaching, Kevin will attend classes at Western  
21 Kentucky University and work towards earning his Masters degree in  
22 Education. His education will be paid for by the school. The opportunity  
23 offered to Kevin begins in mid-February. If Mr. Ellison is able to take  
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1 the position he will need to be in Kentucky no later than February 17.

2 This truly is an amazing opportunity for Kevin. The love of the game  
3 runs deep in his heart. He graduated early from high school, received a  
4 full athletic scholarship from the University of Southern California to  
5 play football and became a three year starter, team captain and All-  
6 American. He graduated from USC with a Bachelors degree in social  
7 sciences with an emphasis in economics. During college, he coached a  
8 year of high school football as a Varsity Defensive Coordinator and won  
9 the USC award for the Hardest Working Player two years in a row. He  
10 was later drafted by the NFL to play for the San Diego Chargers.

11 Kevin is ready to get back on the field and share his love and passion  
12 for the game and his work ethic with the players of Western Kentucky  
13 University. This opportunity allows him to do something he loves, be  
14 back in a football program and work towards earning his Masters.  
15 Simply put, this is an opportunity we don't want him to miss.

16 In order to assist Kevin, he will need to have courtesy supervision  
17 transferred from California to the Western District of Kentucky.  
18 Additionally, his new job will require him to travel outside the Western  
19 District of Kentucky. For example, last season the Western Kentucky  
20 Hilltoppers played in Tennessee, Alabama, Louisiana, New York and  
21 Texas.

22 Mr. Ellison first requests this Court permit him to have courtesy  
23 supervision transferred from Central District of California to the  
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1 Western District of Kentucky. The United States Probation Office in  
2 Eastern District of Washington has already confirmed that the Western  
3 District of Kentucky will accept courtesy supervision of Mr. Ellison if  
4 this Court allows him to change his residence. Second, because Mr.  
5 Ellison will be in school and coaching, he requests that his travel  
6 restrictions be lifted and that he only be required to provide his travel  
7 schedule to the probation officer prior to the travel. Last, Mr. Ellison  
8 requests that his urinalysis testing be modified in that any urinalysis  
9 testing is at the discretion of the United States Probation Office with  
10 accommodations made for his travel due to employment.

11 Mr. Ahmed has been contacted regarding this request and has no  
12 objection to the requests. Additionally, the United States Probation  
13 Office has been notified and has assisted in facilitating contact with the  
14 Western District of Kentucky.

### 15 CONCLUSION

16 Based on the foregoing, Mr. Ellison respectfully requests the Court  
17 modify his conditions of release Mr. Ellison does not request a hearing  
18 on the matter but is available should the Court determine a hearing is  
19 appropriate.

1 Dated: January 31, 2014

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3 Respectfully Submitted,

4 s/ Amy H. Rubin  
5 GA 618349  
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7 Federal Defenders of  
8 Eastern Washington and Idaho  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 31, 2014, I electronically filed the  
3 foregoing with the Clerk of the Court using the CM/ECF System which  
4 will send notification of such filing to the following: AINE AHMED,  
5 Assistant United States Attorney.

6 s/ Amy H. Rubin  
7 GA 618349  
8 Attorneys for ELLISON  
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